

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**NETLIST, INC.'S MOTION TO EXPEDITE BRIEFING ON NETLIST'S
MOTION FOR RELIEF FROM PROTECTIVE ORDER (DKT. 553)**

Pursuant to Local Rule CV-7(e), Plaintiff Netlist Inc. (“Netlist”) respectfully files this motion to expedite briefing on Netlist’s Motion for Relief from the Protective Order filed on February 14, 2023. Dkt. 553 (the “Motion”). Netlist requests that Samsung’s response be due on Tuesday, February 20, 2023.

Netlist’s Motion asked Samsung to agree to a narrow modification of the Protective Order so that Netlist can present certain portions of testimony given by Samsung’s corporate representative in this action to Judge Scarsi in connection with co-pending litigation between the parties in the Central District of California (the “CDCA Case”) of the JDLA. Dkt. 553 at 1. Specifically, Netlist intends to request that the testimony of Samsung’s corporate representative be admitted in an upcoming jury trial in CDCA, but it cannot show the testimony to Judge Scarsi because Samsung designated it as confidential under the Protective Order. Dkt. 553 at 1-4. Thus, Netlist seeks a narrow modification of the Protective Order that would simply allow Judge Scarsi to evaluate the testimony and consider whether it should be admitted.

An expedited briefing schedule is necessary in light of the current schedule of the CDCA Case. At the summary judgment hearing on February 5, 2024, trial was scheduled in CDCA for March 26, 2024, with the first round of pre-trial briefing due on February 26, 2024. *Netlist Inc. v. Samsung Elecs. Co., Ltd.*, 8:20-cv-00993-MCS-ADS (C.D. Cal., Feb. 6, 2024), Dkt. 390. Judge Scarsi heard argument about the admission of the Samsung testimony at issue here at the upcoming CDCA trial, and requested that Netlist address the protective order in this Court first, which Netlist has worked to do. Dkt. 553 at 3-4. Netlist promptly sent Samsung a draft of its proposed motion for relief from the protective order on February 9, 2024. Dkt. 553 at 4. Because of the lunar new year holiday in Korea and the schedules of lead counsel, the parties were not able to have a lead-to-lead meet and confer until February 14, 2024 during which Samsung refused to agree to a narrow modification of the Protective Order. Netlist reached out to Samsung and asked whether Samsung would oppose this

present motion to expedite, but received no response. Because time is of the essence, Netlist requests that Samsung's response to Netlist's Motion for Relief from the Protective Order (Dkt. 553, filed on February 14, 2023) be due on Tuesday, February 20, 2023.

Dated: February 15, 2024

Respectfully submitted,

/s/ Jason Sheasby

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CERTIFICATE OF SERVICE

I hereby certify that, on February 15, 2024 a copy of the foregoing was served to all counsel of record.

/s/ Jason Sheasby
Jason Sheasby

CERTIFICATE OF CONFERENCE

I hereby certify that Netlist asked Samsung whether it would agree to an expedited briefing schedule, but received no response.

/s/ Jason Sheasby
Jason Sheasby